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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,596	03/16/2004	Naoto Matono	12553/130	3887
25693 7590 05/16/2008 KENYON & KENYON LLP RIVERPARK TOWERS, SUITE 600 333 W. SAN CARLOS ST. SAN JOSE, CA 95110				
EXAMINER				
TUGBANG, ANTHONY D				
ART UNIT		PAPER NUMBER		
3729				
MAIL DATE		DELIVERY MODE		
05/16/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/802,596

Applicant(s)

MATONO, NAOTO

Examiner

A. Dexter Tugbang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/175,962.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/88)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The applicant(s) amendment filed on January 25, 2008 has been fully considered and made of record.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Santini 6,130,809 in view of Japanese Patent Publication JP 60-72249, referred to hereinafter as JP'249.

Santini discloses a method of manufacturing a magnetic head comprising: providing first and second magnetic layers (e.g. 204, 202) magnetically coupled to each other and having first and second pole tip portions (P1 and P2B in Fig. 21) placed so as to face a recording medium in conjunction with being in contact with a gap layer (e.g. 206) and being opposed to each other as sandwiching the gap layer; providing a thin film coil (e.g. 212) disposed in a space between the first and second magnetic layers; providing a first insulating layer (e.g. 216), sandwiched between a second insulating layer (e.g. 218) and a third insulating layer (e.g. 220), embedding the thin film coil in the space between the first and second magnetic layers (see Fig. 18); providing a trim structure (i.e. TW of P1 in Fig. 21) comprising a portion of the first magnetic layer and a portion of the second magnetic layer in direct contact with a portion of the gap layer (e.g. 206); forming the gap layer with a non-magnetic conductive material (i.e. either nickel phosphorus NiP or

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palladium Pd, col. 13, lines 5-11); and forming the first pole tip (e.g. 272 in Fig. 21) by growing a plating film where the first magnetic layer and the first pole tip portion are formed from the plating film as a single layer (col. 11, lines 7-9).

Santini discloses substantially all of the limitations of the claimed manufacturing method except that the “gap layer is used as an electrode” during plating of the first pole tip portion on the gap layer.

JP’249 teaches the concept that a Pd layer (e.g. 7) can be used as an electrode to specifically grow plating of a metal film (e.g. 4) on the Pd layer (see CONSTITUTION).

Therefore, it would have obvious to one of ordinary skill in the art at the time the invention was made to have utilized the Pd gap layer of Santini as an electrode, as taught by JP’249, to perform the very same process of growing a plating film of metal to form the first pole tip portion.

4. Claims 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Santini in view of JP’249, as applied to Claim 9 above, and further in view of Armstrong et al 5,901,432.

Santini, as modified by JP’249, discloses the claimed manufacturing method as relied upon above. The modified Santini method does not mention selectively etching the gap layer through ion milling by using at least the first pole tip portion as a mask and, subsequently, selectively etching the second magnetic layer to a predetermined depth.

Armstrong utilizes an ion milling process that includes selectively etching a gap layer G through ion milling by using the first pole tip portion P2 as a mask and then, selectively etching the second magnetic layer P1 to a predetermined depth (see Fig. 3K and col. 5, line 64 to col. 6, line 24). The purpose of the ion milling process of

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Armstrong is to align the pole tips with the gap layer and advantageously minimize any stray flux leakage around the gap layer (col. 1, lines 52-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Santini by utilizing the ion milling process of Armstrong, for the advantage of aligning the first and second pole tip portions and minimize any stray flux leakage around the gap layer.

5. Claims 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Santini'809 in view of Chen et al, as applied to Claim 9 above, and further in view of Jones 4,337,132.

Santini, as modified by JP'249, discloses the claimed manufacturing method as relied upon in Claim 9 above. Claim 15 is met for the same reasons as Claim 13 above. The modified Santini method does not teach that an etching speed through ion milling of the non-magnetic conductive material is within a range from being higher than 0.5 times to being no more than 2 times an etching speed of the second magnetic layer.

Santini does further teach that it is well known and conventional to perform ion milling on the gap layer, first magnetic layer (P2) and second magnetic layer (P1) (see Prior Art Figs. 14 and 15), and it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included such features in the above process to accurately align and pattern these layers.

Additionally, Jones shows that etching speeds through ion milling (see Fig. 8) can be achieved by having the speed (e.g. 400) of the non-magnetic conductive material at 1.3 times higher than the etching speed (e.g. 300) of a magnetic material of NiFe. One

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advantage of having these different etching speeds through ion milling allows accurate vertical side wall patterning with minimum redeposition (col. 1, lines 6-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Santini by utilizing the etching speeds and non-magnetic conductive material of Jones, for the advantages of accurate vertical side wall patterning with minimum redeposition.

6. Claims 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Santini, JP'249, and Armstrong et al, as applied to Claims 9 and 10 above, and further in view of Jones, for the same reasons set forth in paragraph 5 above. It is noted that Claim 12 is equivalent to Claim 11 and Claim 16 is equivalent to Claim 13.

Response to Arguments

7. The applicant(s) arguments filed on January 25, 2008 have been fully considered but they are not persuasive as the "trim structure" is met by Santini for the reasons set forth above.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Dexter Tugbang whose telephone number is 571-272-4570. The examiner can normally be reached on Monday - Friday 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/A. Dexter Tugbang/
Primary Examiner
Art Unit 3729**

May 12, 2008